

EXHIBIT A



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

OFFICE OF THE REGIONAL
ADMINISTRATOR

January 27, 2022

Colonel Damon Delarosa
Commander
U.S. Army Corps of Engineers
Alaska District
PO Box 6898
JBER, Alaska 99506

Ms. Corri A. Feige
Commissioner
Alaska Department of Natural
Resources
550 West 7th Avenue, Suite 1400
Anchorage, Alaska 99501

Ms. Michelle Johnson
Director
Chuchuna Minerals Company
11401 Olive Lane
Anchorage, Alaska 99515

Mr. John Shively
Chairman and CEO
Pebble Limited Partnership
2525 Gambell Street, Suite 405
Anchorage, Alaska 99503

Mr. John Shively
Director and President
Pebble East Claims Corporation
3201 C Street, Suite 404
Anchorage, Alaska 99503

Mr. John Shively
Director and President
Pebble West Claims Corporation
3201 C Street, Suite 505
Anchorage, Alaska 99503

Dear Colonel Damon Delarosa, Ms. Corri Feige, Ms. Michelle Johnson, and Mr. John Shively:

On November 23, 2021, the Environmental Protection Agency Region 10 published notice in the Federal Register providing an update on the status of its 2014 Clean Water Act section 404(c) Proposed Determination regarding the Pebble deposit area located in Alaska's Bristol Bay watershed (Enclosed). The U.S. District Court for the District of Alaska vacated and remanded the EPA's 2019 decision to withdraw the 2014 Proposed Determination. The EPA Region 10's Federal Register notice extended applicable time requirements until May 31, 2022, to consider available information and to determine appropriate next steps in this 404(c) review process. This review includes information that has become available since the EPA issued the 2014 Proposed Determination.

The 2014 Proposed Determination proposed restrictions on the discharge of dredged or fill material into certain waters within the Bristol Bay watershed associated with mining the Pebble deposit. It was issued because of concerns that such discharges could result in unacceptable adverse effects on ecologically important streams, wetlands, lakes and ponds and the fishery areas they support including spawning and breeding areas.

I am writing to inform you that based on our evaluation to date of available information, the EPA Region 10 continues to have reason to believe that the discharge of dredged or fill material associated with mining the Pebble deposit could result in unacceptable adverse effects on important fishery areas. Accordingly, I am notifying you of my intention to issue a revised Proposed Determination. The EPA is sending letters at this time to ensure there is ample opportunity for full consideration of available information to determine next steps before May 31, 2022.

The Clean Water Act's section 404(c) regulations provide an opportunity for consultation at this stage among the EPA, the U.S. Army Corps of Engineers, the owners of record of the site and the permit applicant (if any). The EPA is sending this notice to the same entities it notified in 2014 as well as

Chuchuna Minerals. The U.S. Army Corps of Engineers' 2020 Final Environmental Impact Statement for the Pebble Mine indicates that discharges associated with mining the Pebble deposit could expand in the future into portions of areas where Chuchuna Minerals holds mining claims.

You may submit information for the record to demonstrate that no unacceptable adverse effects to fishery areas would result from discharges associated with mining the Pebble deposit, or that actions could be taken to prevent unacceptable adverse effects to waters from such mining. Consistent with the section 404(c) regulations, please provide your response by February 11, 2022. The EPA can provide additional time if requested.

I appreciate your prompt attention to this matter. If you have any questions or wish to arrange a meeting to discuss any of these issues, please contact me or have your staff contact Cami Grandinetti, at (206) 390-8890 or by email at Grandinetti.cami@epa.gov.

Sincerely,

**MICHELLE
PIRZADEH**

Digitally signed by
MICHELLE PIRZADEH
Date: 2022.01.27
08:16:15 -08'00'

Michelle L. Pirzadeh
Acting Regional Administrator

Enclosure

cc: Mr. Doug Mecum, Acting Administrator, Alaska Region
National Marine Fisheries Service

Mr. Greg Siekaniec, Regional Director
U.S. Fish and Wildlife Service

Mr. David Hobbie, Chief of Regulatory Division
U.S. Army Corps of Engineers – Alaska District

Ms. Sara Longan, Deputy Commissioner
Alaska Department of Natural Resources

Mr. Robert Retherford, Director and Vice President
Chuchuna Minerals

Mr. Reeves Amodio, LLC, Registered Agent
Pebble East Claims Corporation and Pebble West Claims Corporation